

### **Remarks/Arguments**

Claim 1 is amended to correct the antecedent basis of "the" of the "the then video signals", as suggested by the Examiner. The claim now recites "at least one then developing video signals".

Claims 1 to 10 are amended to comport these claims to US claim format, by eliminating "characterizing" clauses and reference indicia.

New Claim 11 is a method claim analog of apparatus Claim 1.

New Claim 12 is a method claim analog of apparatus Claim 2.

New Claim 13 is a method claim analog of apparatus Claim 3.

New Claim 14 is a method claim analog of apparatus Claim 5.

New Claim 15 is a method claim analog of apparatus Claim 6.

New Claim 16 is a method claim analog of apparatus Claim 7.

New Claim 17 is a method claim analog of apparatus Claim 10.

No new matter was added in view of this amendment.

#### ***I. 35 U.S.C. § 112 Rejection of Claims 1-10***

The Examiner rejected Claims 1-10 as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant considers as the invention. Specifically, the Examiner cites to "the" in "the then video signals" of Claim 1 as lacking a proper antecedent basis. With the amendment to Claim 1, Applicant submits this claim possess the proper antecedent basis.

#### ***II. 35 U.S.C. § 102 Rejection of Claims 1-4 and 9-10***

The Examiner rejected Claims 1-4 and 9-10 under 35 U.S.C. § 102(b) as being anticipated by Sato et al. (EP 0820191A2, hereafter referred to as 'Sato'). Applicant disagrees with this ground of rejection.

The film scanner of Claim 1 claims having an automatic focusing device evaluating the then developing video signals for their high frequency component, which is independent of an operator and of the picture contents. During the

focusing procedure, the objective is passed through the adjustment range and the generated video signals are evaluated line by line for their high frequency component as it is illustrated in Fig. 2. However, it is important to note that in Fig. 2, the video signals are represented as a function of a spatial coordinate and not as a function of their spectral components. As described on page 4, line 33 to page 5, line 2 the high frequency component is determined by the film grain layer. This means that the high frequency component does not depend on the picture contents. In addition, the maximum of the high frequency component does not necessarily coincide with the same focus position where the maximum contrast is observed.

In Sato, the disclosed film scanner with a focusing system does not determine high frequency components of the scanned video signals, as in Claim 1. The focus position of the Sato film scanner is determined by sharpness degree, which is defined as a sum of squares of output differences between adjacent pixels that is used as a focus evaluation amount. The focus position indicating the highest sharpness degree among the focus evaluation amounts is an in focus position (page 10, lines 16 to 23). In other words the in-focus position provides maximum contrast. The known focusing system may depend on the picture contents and does not provide an in focus position having the maximum high frequency component, as disclosed in Claim 1.

Applicant submits that Claim 1 is patentable for the reasons cited above. Applicant requests that the Examiner remove the rejection to Claim 1. Applicant additionally requests that the rejections to Claims 2-4 and 9-10 be removed as these claims depend on allowable Claim 1.

### ***III. 35 U.S.C. § 103 Rejection of Claims 2-3, 5, and 8***

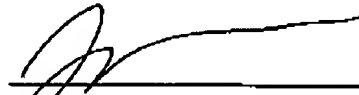
The Examiner rejected Claims 2-3, 5, and 8 under 35 U.S.C. § 103(a) as being anticipated by Sato. Applicant disagrees with this ground of rejection.

Applicant requests that the rejection to Claims 2-3, 5, and 8 are allowable as these claims depend on allowable Claim 1.

Applicant also notes that Claims 6 and 7 have not been rejected in view of prior art, Applicant therefore deems such claims as patentable, as well. New Claims 11-17 is believed to be patentable for the same reasons listed above.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

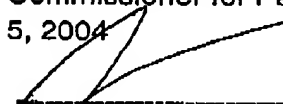


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I hereby certify that this correspondence is being transmitted to the Hon. Commissioner for Patents at the telephone number (703) 872-9314 on February 5, 2004

  
Joel M. Fogelson